

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

---

MAURICE MORRIS,	)	
	)	
Plaintiff,	)	
	)	
	)	Case No. 15-cv-2643-JTF-tmp
	)	
	)	
NATIONSTAR MORTGAGE, LLC,	)	
MORTGAGE ELECTRONIC	)	
REGISTRATION SYSTEM,	)	
HSBC BANK, and WEISS SPICER	)	
CASH, PLLC,	)	
	)	
Defendants.	)	

---

**ORDER ADOPTING THE MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION AND GRANTING DEENDANTS, NATIONSTAR MORTGAGE,  
LLC, MORTGAGE ELECTRONIC REGISTRATION SYSTEM AND HSBC BANK’S  
MOTION TO DISMISS**

---

Before the Court is a Motion to Dismiss filed on October 19, 2015, by the Defendants, Nationstar Mortgage LLC (“Nationstar”), Mortgage Electronic Registration Systems, Inc. (“MERS”), and HSBC Bank USA, N.A., as trustee for Ellington Loan Acquisition Trust pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 5). On November 5, 2015, the Plaintiff filed a Response in Opposition to the Motion to Dismiss to which the Defendants filed a Reply on November, 16, 2015. (ECF No. 8 and ECF No. 12). On January 8, 2016, the matter was referred to the Magistrate Judge for report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B)-(C) and Fed. R. Civ. P. 1. (ECF No. 24). On March 18, 2016, the Magistrate Judge issued a report and recommendation that the Defendants’ Motion to Dismiss be Granted. (ECF

No. 34). To date, neither party has filed objections to the report and recommendation in accordance with 28 U.S.C. § 636(b)(1) or Fed. R. Civ. P. 72(b)(2) and L.R. 72.1(g)(2), and the time to object has passed.

A United States District Court Judge may refer certain dispositive pretrial motions to a United States Magistrate Judge for submission of proposed findings of fact and conclusions of law for disposition by the District Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C); *Brown v. Wesley Quaker Maid, Inc.*, 771 F.2d 952, 957 (6th Cir. 1985). The District Judge may accept, reject or modify in whole or in part, the Magistrate's proposed findings and recommendations. While most actions by a Magistrate Judge are reviewed for clear error, dispositive recommendations to the district judge are reviewed *de novo*. *Thomas v. Arn*, 474 U.S. 140, 141-42 (1985).

Morris raises a wrongful foreclosure claim against the Defendants in this action. Specifically, Plaintiff appears to allege that the assignment of the promissory note and deed of trust in this case were improper, and the Defendants did not have a legal interest in the property at issue. The Magistrate Judge considered the factual sufficiency of the complaint, the exhibits attached thereto, including the promissory note, deed of trust and related assignments. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). As such, the report recommends that the Defendants' Motion to Dismiss should be granted because: 1) Morris was not a party to the assignments of the note and deed of trust, and therefore, lacks standing to challenge them; and 2) Morris has failed to allege in his complaint any statutory or contractual deficiencies that pertain to the foreclosure proceedings in this case, in order to sustain a wrongful foreclosure action. *Livonia Properties Holdings, LLC v. 12840-12976 Farmington Road Holdings, LLC*, 399 F. App'x 97, 102 (6th Cir. 2010) and *Ringold v. Bank of America Home Loans*, No. 2:12-cv-02344-

JPM-dkv, 2013 WL 1450929 at \*6 (W.D. Tenn. Apr. 9, 2013). Further, as noted above, Plaintiff has not objected to the Magistrate Judge's report and recommendation.

After *de novo* review of the record, the Magistrate Judge's report and recommendation is adopted in its entirety and the Defendants' Motion to Dismiss, ECF No. 5, is GRANTED. All claims against Nationstar, Mortgage Electronic Registration Systems, Inc. ("MERS"), and HSBC Bank USA, N.A. ("HSBC") are DISMISSED with prejudice.

As noted in the report and recommendation, the claims against Weiss Spicer Cash, PLLC ("Weiss") will remain before the Court.

**IT IS SO ORDERED** on this 19th day of April, 2016.

*s/John T. Fowlkes, Jr.*  
JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE